

REMARKS

Applicants respectfully request reconsideration of this U.S. Patent application. No claims have been added or canceled in this response. Thus, claims 1-24 are pending.

REJECTIONS UNDER 35 U.S.C. § 103(a)

Claims 1, 2, 5-17, 19, 20, 22, and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,286,038 B1 issued to Reichmeyer, et al. (*Reichmeyer*) in view of U.S. Patent No. 6,363,422 issued to Hunter, et al. (*Hunter*). For at least the reasons set forth below, Applicants submit that claims 1, 2, 5-17, 19, 20, 22, and 24 are not rendered obvious in view of *Reichmeyer* and *Hunter*.

The Manual of Patent Examining Procedure ("MPEP"), in § 706.02(j), states:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second there must be a reasonable expectation of success. Finally, **the prior art reference (or references when combined) must teach or suggest all the claim limitations.** The teaching or suggestion to make the claimed combination and the reasonable expectation of success must be both found in the prior art and not based on applicant's disclosure. *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

(Emphasis added). Thus, the MPEP and applicable case law require that a combination of references teach or suggest all of the claim limitations of rejected claims to sustain an obviousness rejection under 35 U.S.C. § 103.

Claims 1, 19, and 22 recite:

dynamically obtaining by the client device at least one alert detection parameter from a first server;

dynamically obtaining configuration data from a remote alert proxy using the at least one obtained alert detection parameter ...

(Emphasis added). Claim 11 similarly recites an alert proxy "receiving ... a configuration data request ... the configuration data request being submitted ... using at least one dynamically obtained alert detection parameter."

The Office action states that *Reichmeyer* fails to disclose "dynamically obtaining at least one alert detection parameter from a first server." The Applicants agree that *Reichmeyer* fails to disclose the above-quoted claim limitation. In addition, Applicants respectfully submit that *Reichmeyer* cannot teach or suggest "obtaining configuration data from a remote alert proxy using the at least one obtained alert detection parameter," since it does not teach or suggest "dynamically obtaining [the] at least one alert detection parameter from a first server." The Office action further states that *Hunter* discloses the above-quoted claim limitations at column 4, lines 11-16, wherein *Hunter* states:

All rules for controlling each piece of facilities equipment are provided by the server to each client device, when requested. **All rules for monitoring each piece of facilities equipment are programmed to, and remain resident and operational on, each client.**

(Emphasis added) The Applicants respectfully disagree.

The cited passage merely states that "[a]ll rules for monitoring each piece of facilities equipment are programmed to ... each client." Assuming for the sake of argument that a rule for monitoring a piece of facilities equipment is analogous to an alert parameter, Applicants note that the cited passage does not teach or suggest the above-recited claim limitations. In particular, the cited passage does not teach or suggest a two-part process of "obtaining [an] alert detection parameter" and then "obtaining configuration data from a remote alert proxy using the ... obtained alert detection parameter," as recited in claims 1, 11, 19, and 22 (Emphasis added).

As shown above, neither *Reichmeyer* nor *Hunter* teaches or suggests "obtaining [an] alert detection parameter" and then "obtaining configuration data from a remote alert proxy

using the ... obtained alert detection parameter," as recited in claims 1, 11, 19, and 22 (Emphasis added). Thus, no combination of *Reichmeyer* with *Hunter* teaches or suggests the recited claim limitations. For at least the reason that neither reference, alone or in combination, teaches or suggests the recited claim limitations, Applicants respectfully submit that no combination of *Reichmeyer* with *Hunter* renders claims 1, 11, 19, and 22 obvious.

Claims 2 and 5-10 depend from claim 1. Claims 12-17 depend from claim 11. Claim 20 depends from claim 19. Claim 24 depends from claim 22. For at least the reason that dependent claims include the limitations of the claims from which they depend, Applicants submit that claims 2, 5-10, 12-17, 20, and 24 are not rendered obvious by *Reichmeyer* and *Hunter*.

Dependent claims 3-4, 18, 21, and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Reichmeyer* in view of *Hunter*, and in further view of U.S. Patent No. 6,353,854 B1 issued to Cromer, et. al. (*Cromer*). Claims 3-4 depend from claim 1. Claim 18 depends from claim 11. Claim 21 depends from claim 19. Claim 23 depends from claim 22. As shown above, claims 1, 11, 19, and 22 recite "obtaining [an] alert detection parameter" and then "obtaining configuration data from a remote alert proxy using the ... obtained alert detection parameter."

Cromer is cited to teach a means for enabling a client device to detect alerts while the device is in a reduced functional state. Whether or not *Cromer* discloses a means for enabling a client device to detect alerts while the device is in a reduced functional state, it does not teach or suggest "obtaining [an] alert detection parameter" and then "obtaining configuration data from a remote alert proxy using the ... obtained alert detection parameter," as recited in claims 1, 11, 19, and 22. Thus Applicants respectfully submit that no combination of *Reichmeyer*, *Hunter*, and *Cromer* renders claims 3-4, 18, 21, and 23 obvious.

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CONCLUSION

For at least the foregoing reasons, Applicants submit that the rejections have been overcome. Therefore, claims 1-24 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
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